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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/719,639	11/21/2003	Michael J. Faulks	18,098	3447	
23556 75	23556 7590 12/09/2005			EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC.			DICUS, TAMRA		
401 NORTH LAKE STREET NEENAH, WI 54956			ART UNIT	PAPER NUMBER	
•			1774	<u>-</u>	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be systematic under the provisions of 37 CFR 1:36(i), no revent, however, may a regly be firely filed.  If NO period for regly is specified above, the maximum statutory parted will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failur to regly within the sof or centred period for regly sectioned period for regly will be period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failur to regly within the sof or centred period for regly will be period with apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failur to regly within the sof or centred period for regly will be period with apply and the period of the communication.  Failur to regly within the sof or centred period for regly will be period or the communication.  Failur to regly within the sof or centred period for regly will be provided by the communication.  Failur to regly within the sof or centred period for regly will be provided by the communication.  Failur to regly within the sof or centred period for regly will be provided by the communication.  Failur to regly within the soft or centred period for regly and the provided by the communication.  Failur to regly within the soft or centred period for regly and the period by the security of the communication.  Failur to regly with the soft of the period of the period by the communication.  Failur to regly within the soft of the period of the period by		Application No.	Applicant(s)					
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Application/Control Number: 10/719,639 Page 2

Art Unit: 1774

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-9, drawn to a method to reduce noise, classified in class 427, subclass
     302.
  - II. Claims 10-36, drawn to a reduced-noise disposable absorbent, classified in class 604, subclass 367.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product of II can be made by extruding the substrate and the process of I can be used to make any type of substrate such as a table or fabric applying the noise-reducing coating.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Denise Stoker on 12/5/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Application/Control Number: 10/719,639 Page 3

Art Unit: 1774

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-248-9197 (toll-free).

Tamra L. Dicus Examiner

Art Unit 1774

12/7/05

RENA DYE
SUPERVISORY PATENT EXAMINER

A.U.1774 12/1/05